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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/816,199	03/31/2004	David John Copeland	00565-069001	7509
26181	7590	04/21/2006	EXAMINER	
FISH & RICHARDSON P.C. PO BOX 1022 MINNEAPOLIS, MN 55440-1022			WALTERS, JOHN DANIEL	
			ART UNIT	PAPER NUMBER
			3618	

DATE MAILED: 04/21/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

10/816,199

Applicant(s)

COPELAND ET AL.

Examiner

John D. Walters

Art Unit

3618

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 10 April 2006.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-9, 12-15 and 18-20 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-9, 12-15 and 18-20 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 10 April 2006 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_

### **DETAILED ACTION**

Claims 1 – 9, 12 – 15 and 18 – 20 have been examined. Claims 10, 11, 16 and 17 have been canceled by Applicant.

### ***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1, 4, 7 – 9, 12 and 13 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kozlowski (6,218,796) in view of Andis et al (6,112,414). Kozlowski discloses a storage cart for rechargeable devices comprising:

- a base and a top (Fig. 1);
- wherein said base and top are generally rectangular (Fig. 1);
- at least two sidewalls (Fig. 1);
- a plurality of receptacles (Figs. 1 and 2);
- said receptacles comprising an opening and at least four sidewalls defining an interior region (Fig. 1);
- a movable sidewall substantially perpendicular to said base and said top (Fig. 1, item 14);
- a plurality of electrical receptacles being configured to receive electrical plugs (Fig. 1, items 32 and 34);

- a plurality of charging devices (Fig. 2, items 24 and 84);
- said charging device comprising a plurality of AC adapters (Fig. 2, item 24);
- an electrical cord (Fig. 1, item 28);
- one or more wheels (Fig. 1, item 44);
- a plurality of interior electrical receptacles (Fig. 1, item 32).

Kozlowski does not disclose a docking station style connection for rechargeable devices. Andis, however, discloses a rechargeable hair clipper assembly comprising:

- a docking station (Figs. 9 and 10, item 223);
- one or more indicators comprising a light emitting diode (column 15, lines 41 – 43);
- wherein said charging devices are configured to determine whether a rechargeable battery is fully charged and charge said battery based on said determination (column 15, line 60 to column 16, line 37).

It would have been obvious to one of ordinary skill in the art at the time of applicant's invention to combine the docking station of Andis with the storage cart of Kozlowski in order to provide a quickly coupled connection between said cart and the devices being recharged within said cart.

In regards to claim 1, it would have been obvious to one of ordinary skill in the art at the time of applicant's invention to array multiple columns of receptacles, thus forming rows, in order to provide additional storage without increasing overall height of said cart. An increase in height would cause the center of gravity of said cart to rise, increasing the difficulty of pushing said cart as well as increasing the inclination for tipping.

Claim 6 is rejected under 35 U.S.C. 103(a) as being unpatentable over Kozlowski (6,218,796) in view of Andis et al (6,112,414) as applied to claims 1, 4, 7 – 9, 12 and 13 above, and further in view of Pena (5,723,815). Kozlowski in view of Andis does not disclose a cord reeling mechanism. Pena, however, discloses a retractable electrical extension cord comprising:

- a cord retractor configured to retract and house the electrical cord (Fig. 1).

It would have been obvious to one of ordinary skill in the art at the time of applicant's invention to combine the cord retractor of Pena with the storage cart of Kozlowski in view of Andis in order to provide an extendable and retractable electrical cord which stores away safely and in an untangled state when said cart is moved.

Claims 2, 3, 5 and 14 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kozlowski (6,218,796) in view of Andis et al (6,112,414) as applied to claims 1, 4, 7 – 9, 12 and 13 above, and further in view of Mitten (2,625,455). Kozlowski in view of Andis does not disclose the use of drawers for storage of recharging devices. Mitten, however, discloses a chest of drawers comprising:

- drawers positioned between said top and base (Fig. 1);
- wherein said drawers are slidable in a plane parallel to said base and said top (Fig. 5).

It would have been obvious to one of ordinary skill in the art at the time of applicant's invention to combine the drawer structure of Mitten with the storage cart of

Kozlowski in view of Andis in order to provide quick and unobstructed access to recharging devices.

Claims 15 and 18 – 20 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kozlowski (6,218,796) in view of Andis et al (6,112,414) as applied to claims 1, 4, 7 – 9, 12 and 13 above, and further in view of Manning et al. (2,617,702). Kozlowski in view of Andis does not disclose the use of drawers for storage of recharging devices. Manning, however, discloses a canister bin unit comprising:

- drawers positioned between said top and base (Fig. 1);
- wherein said drawers are configured to pivot forward (Fig. 2).

It would have been obvious to one of ordinary skill in the art at the time of applicant's invention to combine the drawer structure of Manning with the storage cart of Kozlowski in view of Andis in order to provide quick and unobstructed access to recharging devices.

### ***Response to Arguments***

Applicant's arguments, see page 9, filed 4/10/2006, with respect to the drawings have been fully considered and are persuasive. The objection of 12/7/2005 has been withdrawn.

Applicant's arguments, see page 10, filed 4/10/2006, with respect to the specification have been fully considered and are persuasive. The objection of 12/7/2005 has been withdrawn.

Applicant's arguments, see pages 10 – 12, filed 4/10/2006, with respect to the rejection(s) of claim(s) 1, 2, 4, 5, 12 and 13 under 35 U.S.C. § 102 have been fully considered and are persuasive. Therefore, the rejection has been withdrawn. However, upon further consideration, a new ground(s) of rejection is made in view of a review of the prior art of record in regards to Applicant's amended claims.

Applicant's arguments, see pages 12 – 15, filed 4/10/2006, with respect to the rejection(s) of claim(s) 3, 6-9, 14 and 15 under 35 U.S.C. § 103 have been fully considered and are persuasive. Therefore, the rejection has been withdrawn. However, upon further consideration, a new ground(s) of rejection is made in view of a review of the prior art of record in regards to Applicant's amended claims.

Applicant's arguments filed 4/10/2006 have been fully considered but they are not persuasive.

Applicant makes the assertion, in multiple locations within the remarks, that the Examiner impermissibly used hindsight as well as asserting that appropriate motivation for combining references has not been furnished.

- Madison et al. (6,008,621)
- Fields (6,769,991)
- Wixted et al. (2003/0141687)

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to John D. Walters whose telephone number is (571) 272-8269. The examiner can normally be reached on Monday - Friday, 8am - 5pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Christopher Ellis can be reached on (571) 272-6914. The fax phone



In response to applicant's argument that the examiner's conclusion of obviousness is based upon improper hindsight reasoning, it must be recognized that any judgment on obviousness is in a sense necessarily a reconstruction based upon hindsight reasoning. But so long as it takes into account only knowledge which was within the level of ordinary skill at the time the claimed invention was made, and does not include knowledge gleaned only from the applicant's disclosure, such a reconstruction is proper. See *In re McLaughlin*, 443 F.2d 1392, 170 USPQ 209 (CCPA 1971).

In response to applicant's argument that there is no suggestion to combine the references, the examiner recognizes that obviousness can only be established by combining or modifying the teachings of the prior art to produce the claimed invention where there is some teaching, suggestion, or motivation to do so found either in the references themselves or in the knowledge generally available to one of ordinary skill in the art. See *In re Fine*, 837 F.2d 1071, 5 USPQ2d 1596 (Fed. Cir. 1988) and *In re Jones*, 958 F.2d 347, 21 USPQ2d 1941 (Fed. Cir. 1992). In this case, proper motivation is provided within each rejection either from the references in question or within the knowledge available to one of ordinary skill in the art.

### ***Conclusion***

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure:

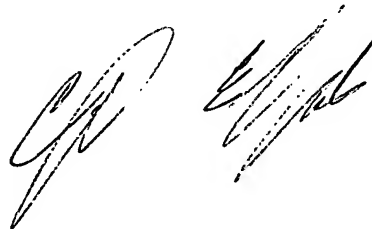
- Nelms et al. (2,375,866)

number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

John D. Walters  
Examiner  
Art Unit 3618

JDW  

CHRISTOPHER P. ELLIS  
SUPERVISORY PATENT EXAMINER  
TECHNOLOGY CENTER 3600



*Per for entry.  
 13 Apr 06*

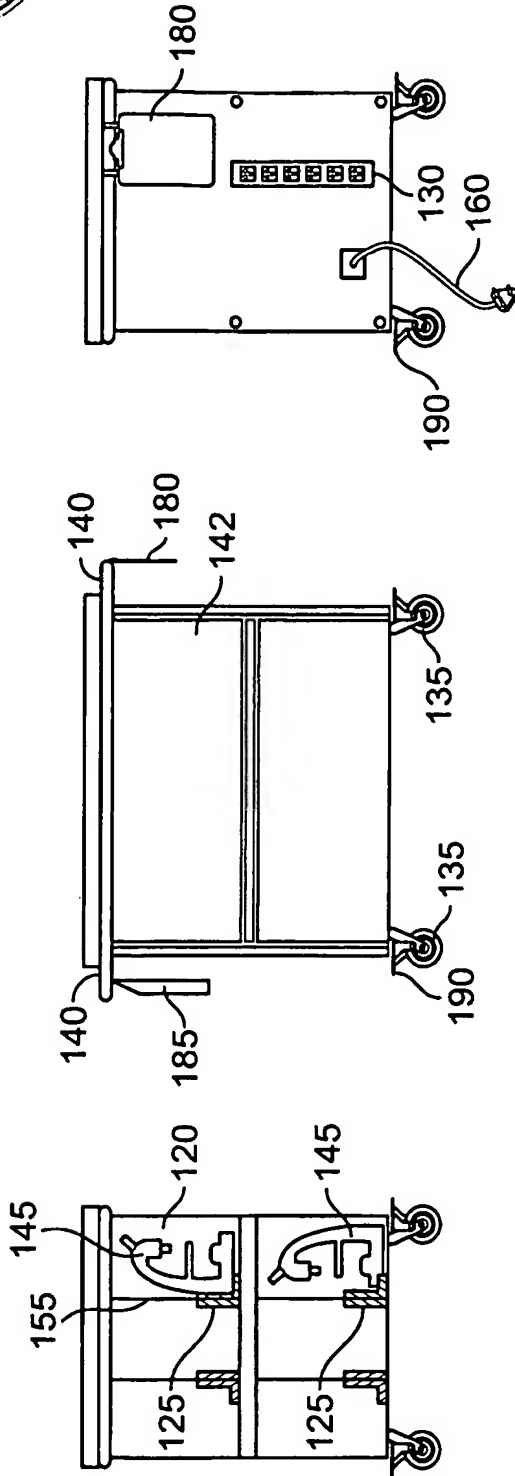


FIG. 1A

FIG. 1B

FIG. 1C

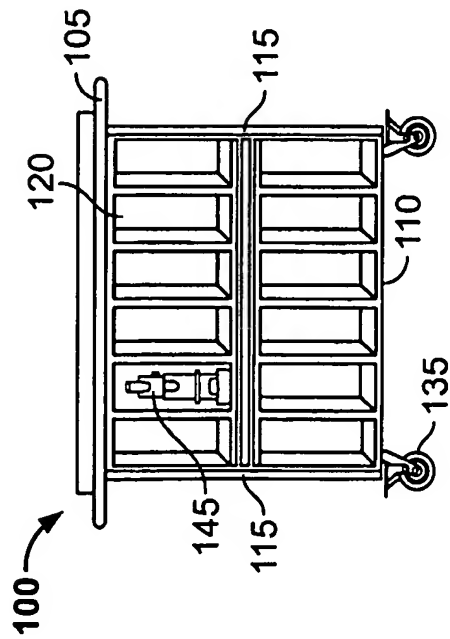


FIG. 1D

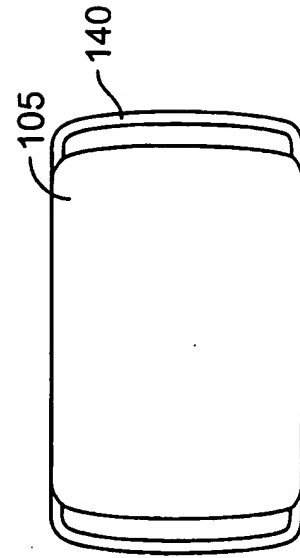


FIG. 1E

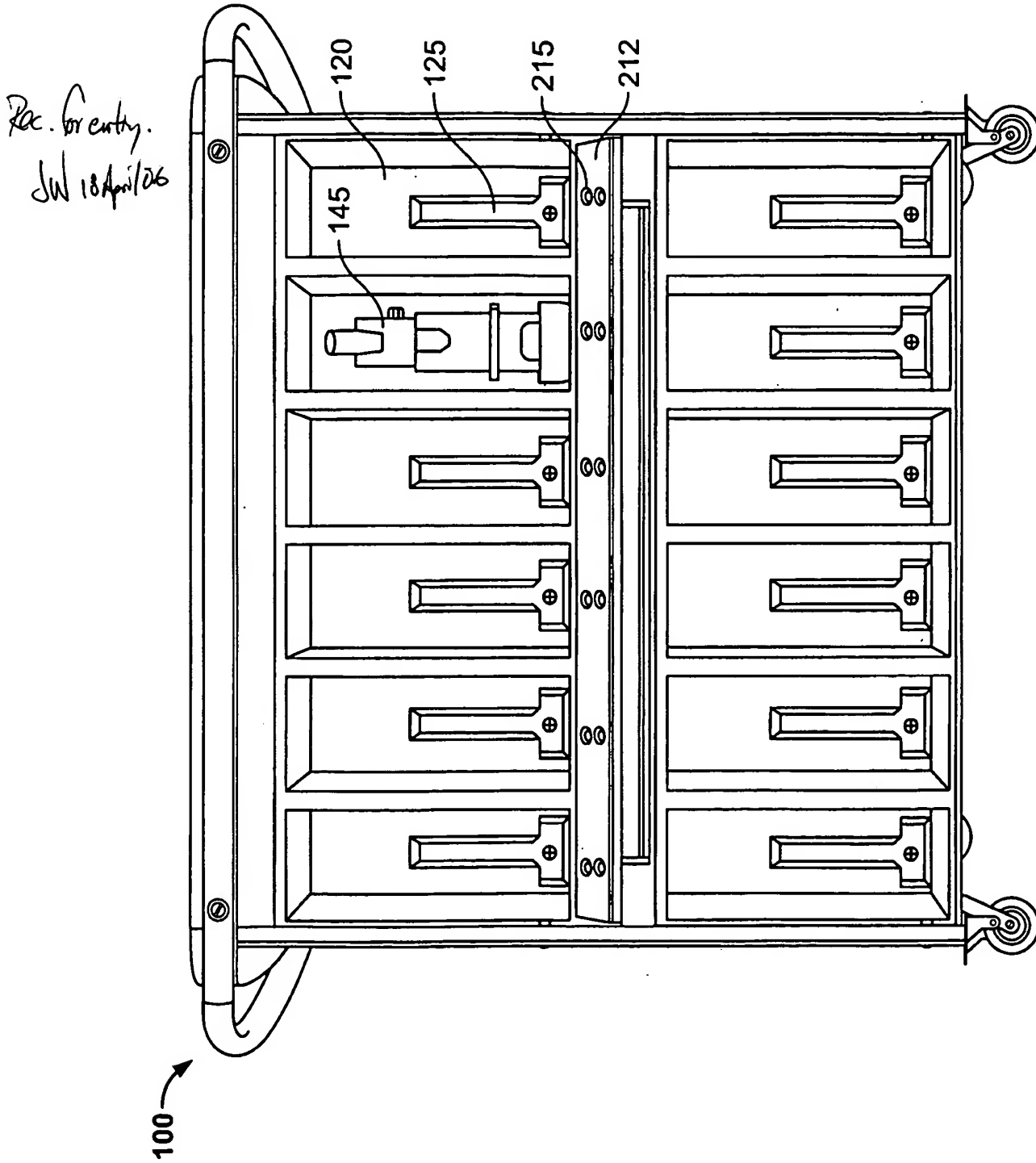


FIG. 2A

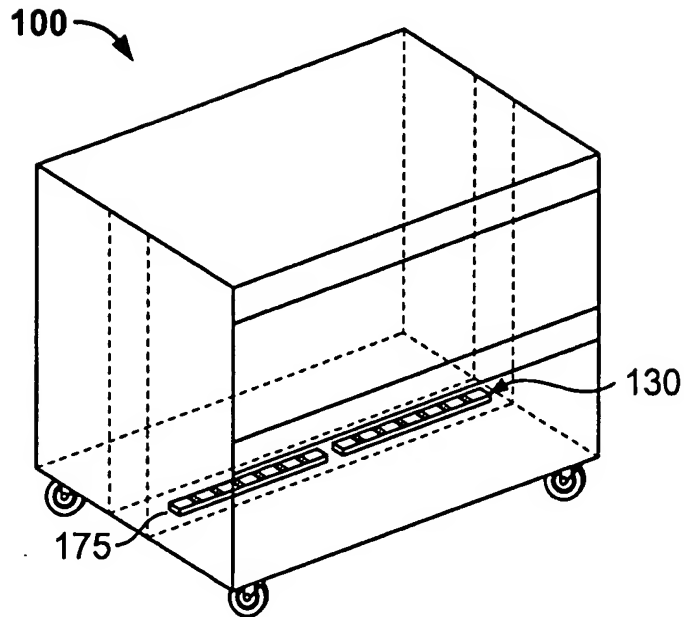


FIG. 3A

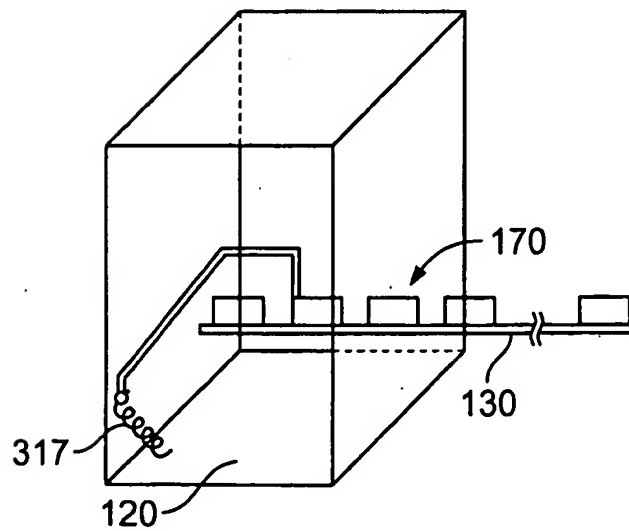


FIG. 3B

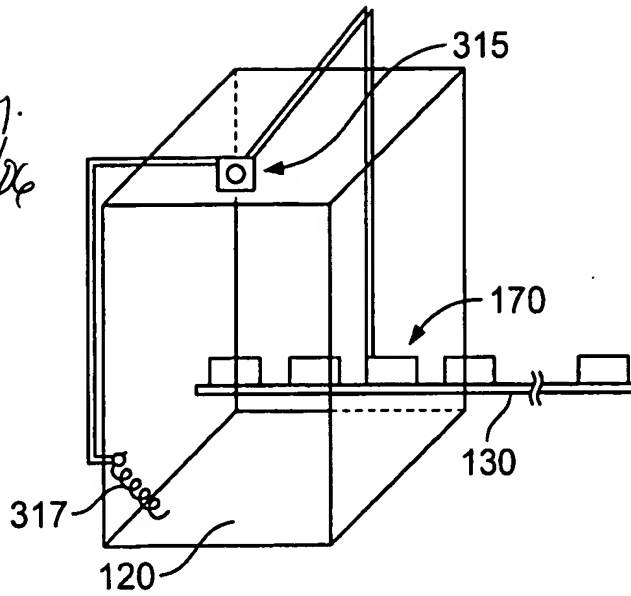


FIG. 3C

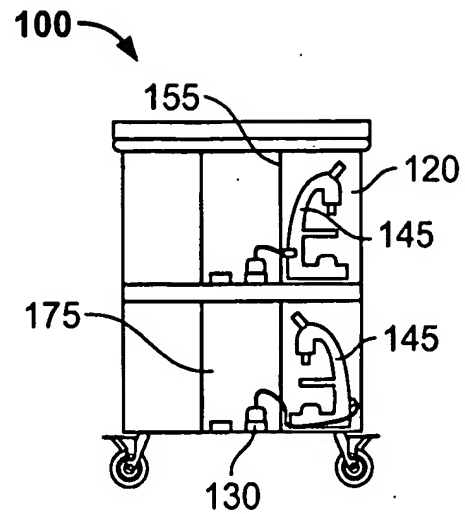


FIG. 3D

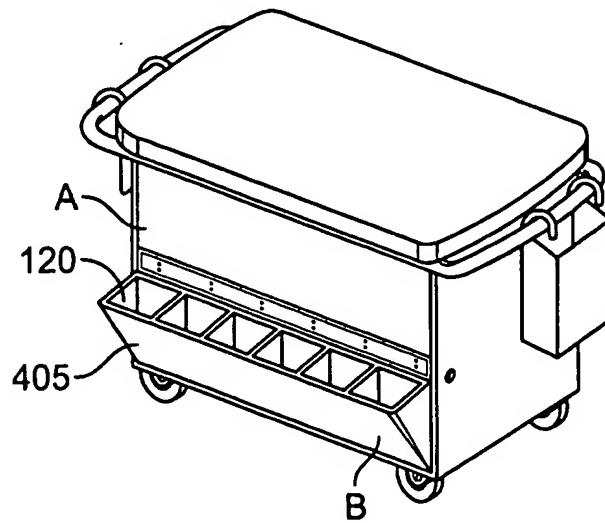


FIG. 4A

Rec. for entry.  
JW 18 Apr. 2006

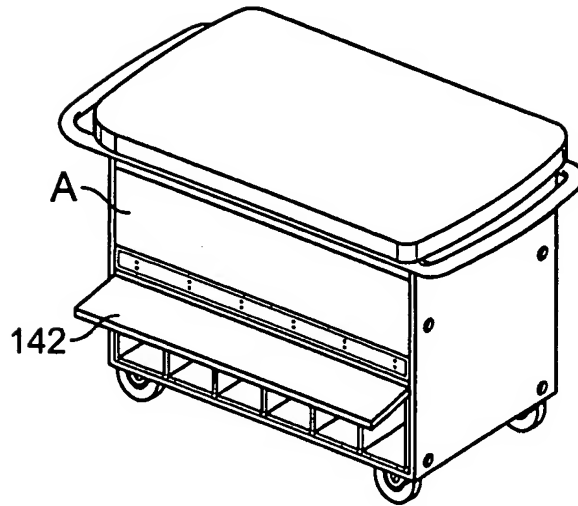


FIG. 6A

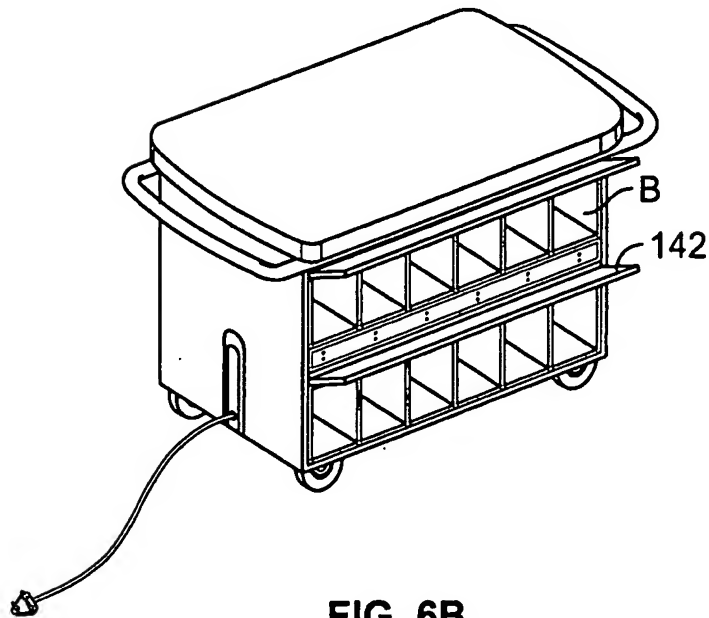


FIG. 6B

Rec. for entry.  
W 18 Apr. 06

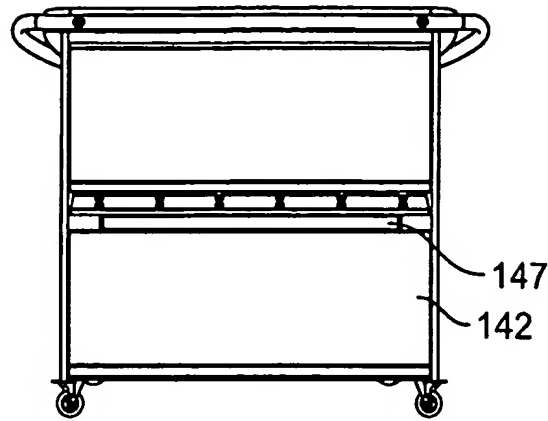


FIG. 6C

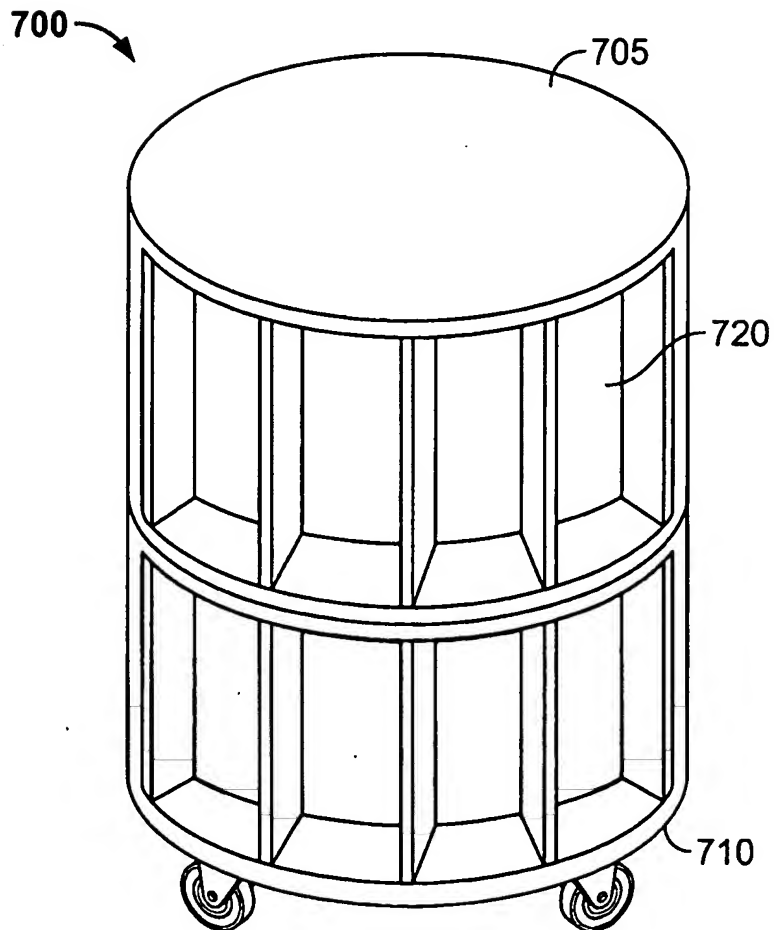


FIG. 7